

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

MAR 30 2018

Matthew Thel
CLERK

JOHN WILLIAM PERKO, JR.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

1:18-CV-01003-CBK

OPINION AND ORDER

Petitioner pleaded guilty to incest and was sentenced to 36 months custody. He filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 contending, *inter alia*, that counsel was ineffective in failing to file a notice of appeal as directed. I conducted an initial consideration of the motion pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Courts. I set forth the possible consequences of petitioner proceeding with his petition and directed petitioner to notify the Court whether he wished to proceed. Petitioner has notified the Court that he indeed does wish to proceed. Accordingly,

IT IS ORDERED that the Clerk of Court will deliver or serve a copy of the motion on the United States Attorney for the District of South Dakota.

IT IS FURTHER ORDERED that the United States Attorney for the District of South Dakota shall serve and file an answer or responsive pleading to the motion, together with a legal brief or memorandum in support thereof, on or before May 1, 2018.

DATED this 29th day of March, 2018.

BY THE COURT:

Charles B. Kornmann
CHARLES B. KORNMANN
United States District Judge